

## TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

### Board of Selectmen Meeting Minutes

Monday, July 9, 2012 at 6:00 P.M.

Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectwoman Karyn Puleo, Selectman Rick Reault, Selectman Allen Curseaden, Selectman Corliss Lambert

Member Absent: Selectman Robert Jackson

Staff Present: Town Administrator Michael Gilleberto, Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

The Vice-Chairman announced the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall".

#### **1. 5:00 PM Dedication of the Charles C. Chronopoulos Way**

The Board along with Senator Donoghue and Representative Garry gathered at Pawtucket Blvd intersection to dedicate the new section Chronopoulos Way named after the former Police Chief Charles Chronopoulos. The ceremony was well attended and went smoothly. The Board thanked Selectman Curseaden for overseeing the dedication.

#### **2. 6:00 PM Open Meeting/Pledge of Allegiance/ Board Introduction /Read Agenda**

The Vice-Chairman called the meeting to order. The Pledge of Allegiance was recited. The Board introduced themselves. The Agenda was read by Selectman Reault, Clerk of the Board.

#### **3. Citizen/Business Time - No one came forward this evening.**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

#### **4. Meeting Minutes Review/Approve**

##### **A. Monday June 25, 2012**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Minutes of Monday June 25, 2012 with the amendment to change Chairman to Vice-Chairman opened the meeting.

##### **Executive Session Minutes Review/Approve**

##### **B. Monday June 25, 2012**

The Board voted 3-0-1 on a motion by Selectman Reault, second by Selectman Curseaden to approve but not release the Executive Session Minutes of Monday June 25, 2012. Selectman Curseaden recused from voting as he was not present at the session.

##### **Executive Session Approved Minutes for Release**

##### **C. Monday December 19, 2011**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to release the approved Executive Session Minutes of Monday September 19, 2011.

## **5. Old Business**

### **A. Common Victualler License Request – Mario's Pizzeria, 92 Middlesex Road**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Common Victualler License to Amarillo Domingues for Mario's Pizzeria at 92 Middlesex Road as requested on condition that the property owner SE Properties pays the back property taxes or has a payment plan in place with the Town Collector.

### **B. Common Victualler/Automatic Amusement/Entertainment Licenses Request – Funtageous, 18 Pondview Place**

Mr. DiPilato was before the board requesting the above mentioned licenses for his indoor entertainment facility. Mr. DiPilato did give a brief overview of what has transpired over the last three years when he first applied for a special permit to develop the indoor entertainment facility at the Plaza in April of 2009. He had a few bumps in the road going forward with the project, the facility it is a new fun safe place for families to enjoy. It is ADA compliant, it has an elevator, and the building has a sprinkler system, due to Mr. DiPilato working with the local businesses to extend the water main up Middlesex Road. Mr. DiPilato has designed his facility to be easy to use for handicapped children and adults. On the main floor will house the food area and the party rooms. The second floor has a 9 hole-miniature golf and mini bowling alley. He has also incorporated a new light game that mimics the whack a mole game.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Common Victualler License to Joseph and Lisa DiPilato for Funtageous at 18 Pondview Place as requested contingent on the clearing up the tax issue due to a reporting error.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Automatic Amusement License to Joseph and Lisa DiPilato for Funtageous at 18 Pondview Place as requested for machines in the main arcade room and machines for the children's arcade room. The Board discussed briefly the number of machines and the fee for each machine. The Board did reach a consensus to prorate the fee to 50% of the amount as the arcade will be open for half of the year. The Board has asked the Town Administrator to take a look at the fee schedule.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Weekday License for radio and/or stereo and for birthday parties, corporate, family and group events between the hours of 6:00 AM to 11:00 PM.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Sunday License for radio and/or stereo and for birthday parties, corporate, family and group events between the hours of 1:00 PM to 12:00 AM.

The Board wishes Mr. DiPilato success on the opening of his indoor entertainment facility.

### **C. Appoint Reserve Officer**

The Chief of Police has requested the Board consider appointing Evan Donnelly as a Reserve Officer in training. Mr. Donnelly's letter of interest and his resume was submitted to the Board for review. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to appoint Evan Donnelly as a Reserve Officer in training.

### **D. Pawtucket Boulevard Signage – Update**

The Town Administrator received correspondence from Mr. Fedele, Mass DOT, to continue to explore options to the request of mounting signs for businesses long the Frost Road and Sherburne Avenue intersection. The Administrator will continue discussion along with Selectman Curseaden with Mr. Fedele. There are five businesses affected one is interested in a sign, another is not, will continue conversation with the three remaining businesses.

### **E. Goals – Discussion**

The Board discussed the revised Master Project Worksheet for the Selectmen's goals. After a brief discussion on the outline the Board tasked the Town Administrator to revise the worksheet by removing the ongoing project from the numbering system and supports Selectman Lambert's working on the Board's Policies and Procedures and to update the board of his progress. The Administrator will re-circulate in a couple of days the new worksheet.

## **F. Information Technology - Discussion - Deferred**

### **G. Annual Appointments**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to appoint the following: Robert Pelletier as the Burial Agent; Christopher Dery as the Veterans' Director of Services, Veterans' Agent, Veterans' Grave Officer, and Veterans' Burial Agent; Town Administrator Michael Gilleberto, Police Chief William Mulligan, Veterans' Agent Christopher Dery, and Council on Aging Director Barbara Roche to the Trust Fund Committee; Jean A. Barrett, Carol E. Chisolm, and Karen Laroche as members to the Recreation and Parks Committee; Rick Reault, Tom Delmore, Jeff Hannaford, Christopher Mellen, Walter Eriksen and Allen Mello to the Sewer Design and Construction Committee.

### **H. Solid Waste Contract - Discussion**

The participating communities have reached a consensus on a contract. The Administrator will meet with Bruce Stanas of Allied Waste to discuss 3 items: 1) the single stream recycling, Carolyn Dann, State coordinator will perform a cost analysis to see what the benefits or what the drawback will be. 2) and this is purely exploratory, but will have discussions on how if possible to offer solid waste pick-up on private development roads, there may be deed restrictions that are in place that may hinder the process. 3) and will discuss Allied's overall economic development in Tyngsborough.

## **6. 7:00 PM Joint Meeting with the Finance Committee**

### **A. FY 2012 Year-End Closeout**

The Finance Committee joined the Board for a joint meeting to discuss and vote on the FY 2012 year-end closeout transfers. These transfers will make it possible for the departments to close out their accounts for FY 2012. Pursuant to Chapter 44, Section 33B the Selectmen and the Finance Committee have agreed to the following transfers: from Account #135 Accountant, salaries \$5,000; Account #135 Accountant, expenses \$1,250; Account #145 Treasurer, expenses \$2,900; Account 145 Treasurer, salaries \$1,900; Account 146 Collector, expenses \$2,000; Account 159 Other Legal Services, expenses \$5,000; Account 220 Fire Department, salaries \$5,000; Account 421 Highway, expenses \$1,614; and Account 541 Council on Aging, expenses \$1,750 for a total of \$26,829.00; to Account 122 Selectmen, expenses \$906; Account 122 Analysis of Town Rds & Parcels, special article \$1,833; Account 141 Assessors, expense \$150; Account 151 Town Counsel, expense \$2,665; Account 171 Conservation, expense \$321; Account 193 Information Technology, expense \$1,976; Account 241 Building Inspection, expense \$230; Account #241 Building Inspection, salaries \$15; Account #242 Gas Inspection, expense \$51; Account 242 Gas Inspection, salaries \$15; Account #292 Animal Control, expense \$430; Account #294 Forestry, expense \$652; Account #441 Highway, salaries \$5; Account #422 Highway, salaries \$985; Account #423 Snow and Ice, expense \$1,292; Account #424 Street Lighting, expense \$2,390; Account #425 Vehicle Maintenance, expense \$421; Account #430 Waste Collection, salaries \$208; Account #430 Waste Collection, expense \$9,872; Account #491 Cemetery, salaries \$1,443; Account #510 Board of Health, expense \$764; Account #510 salaries, \$195; Account #543 Veterans' Agent, salaries \$10, for the a total of \$26,829.00. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the FY 2012 Year-End Closeout transfer amount of \$26,829.00, with the amended account #159 from 154.

The Finance Committee voted 5-0-0 on a motion by Member Mellen, second by Member Hammer to approve the FY 2012 Year-End Closeout transfer amount of \$26,829.00.

## **7. Citizen/Business Time - No one came forward this evening.**

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## **8. Correspondence**

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov). Copies of correspondence may be requested from the Office of the Board of Selectmen.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to accept the correspondence as read by the Clerk, Selectman Reault.

## **9. Review of Weekly Warrants**

The Administrator read the weekly warrants into the minutes, FY 2012 Warrant #54B \$130,512.52 on June 30, 2012; Warrant #2B \$19,155.39 on July 9, 2012; also read were warrants for 2012 in the amounts of \$137,7547.07, \$1,969,400.10 and \$50,250.67.

## **10. Town Administrator's Reports**

The Administrator has a few items to report. The CPC met a couple of weeks ago and discussion on the preservation of the barn was on their agenda. Quotes were received and were more costly than anticipated. The CPC is looking to preserve the exterior and the CPC does have the funds to do the restoration. This item will be on the July 30 Selectmen Meeting Agenda. The week of July 4<sup>th</sup> was a very busy week for the Police Department, thank you to the department for their efforts in keeping things safe. The Conservation Commission is meeting tomorrow night, the School is meeting at the High School tomorrow night. The Conservation Commission is looking for support from the Board to use the remaining money set aside for the Sherburne House upkeep for a new heating system, the old one is not in the best working order. There is a Hollywood production company in town, the Selectmen has issued a license to the company to be able to park at the Bridge Meadow field. The Selectmen's next meeting is July 30<sup>th</sup>.

## **11. Selectmen's Reports**

Selectman Reault has no report for this evening, but did read the press release from the Police Department informing the residents of some recent breaks in of motor vehicles on Mascuppick Trail, Magnolia Avenue and Lakeview Avenue, a reminder to please keep your motor vehicles locked.

Selectman Lambert's first thought goes to our missing member, Bob we wish you well. Selectman Lambert asks that people have a moment of silence in prayer to help in his recovery. A reminder to all that we are still in the summer months and ask that everyone stay vigilant and stay safe. The dedication this evening went well and will defer further comments to Selectman Curseaden.

Selectman Curseaden echoes the comments of Selectman Lambert for a quick recovery to the Chair. The dedication of the new Pawtucket Blvd realignment to the former Police Chief Charles Chronopoulos went well; the new alignment is named the Charles Chronopoulos Way. The realignment of the existing bridge will be complete and the bridge will open by the last week in July to first week in August. The telephone poles have been removed and the barriers removed. There is discussion on the street lights at the intersection of the blvd, Frost Road and Sherburne Ave. and the new alignment are not in the current contract. It is the intent to enter into conversation with Mass DOT on the lights, point made is that we are in the process of purchasing the street lights and the purchase should be complete by August 1<sup>st</sup>. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to pursue the lighting at the realignment. Selectman Curseaden will work with National Grid first and if necessary will contact the Reps for assistant. Mass DOT recognizes the need and may do a change order to replace the 3 poles lost in the construction. Mass DOT also recognized the hazard of the sharp turn onto Sherburne Avenue and the tight turn onto Frost Road and are looking to shorten it.

Selectwoman Puleo mentioned that the Chair was unable to be at the meeting because of a problem with his back. On the next agenda the Vice-Chair asks to place MGL Chapter 29.10 Remote

Participation for adoption. The Administrator will consult with Town Counsel to look into it, the Riverside Park discussion re non town citizens, and to place Indian Lane discussions on July 30<sup>th</sup> agenda. Nice job to Selectman Curseaden on the dedication. The Administrator will keep the Board updated on the bridge reopening date we could have a soft opening and then do a bigger event.

**12. Executive Session (if needed)**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

**A. Collective Bargaining**

**B. Non Union Bargaining**

The Board voted on a motion by Selectman Reault, second by Selectman Curseaden to enter into Executive Session to discuss, collective bargaining and non-union bargaining as an open meeting may have a detrimental effect on such subject matter and to return to open session only to adjourn. Roll Call Vote: Selectman Lambert, yes; Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Curseaden, yes.

The Board entered into executive session at 7:40 P.M.

The Board exited executive session at 8:06 P.M.

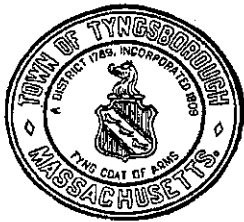
**13. Adjournment**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to adjourn the meeting. The meeting adjourned at 8:06 PM.

Respectfully Submitted by

Therese Gay  
Admin Assistant

Approved on Monday July 30, 2012



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**4. Meeting Minutes Review/Approve**

**A. Monday June 25, 2012**

**Executive Session Minutes Review/Approve**

**B. Monday June 25, 2012**

**Executive Session Approved Minutes for Release**

**C. Monday December 19, 2011**

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**A. 6:15 P.M. Common Victualler License Request – Mario's Pizzeria, 92 Middlesex Road**

**B. 6:15 P.M. Common Victualler/Automatic Amusement/Entertainment Licenses Request – Funtageous, 18 Pondview Place**

**C. Appointment – Reserve Officer**

**D. Pawtucket Boulevard Signage – Update**

**E. Goals – Discussion**

**F. Information Technology - Discussion**

**G. Annual Appointments**

**H. Solid Waste Contract – Discussion**

**6. 7:00 PM Joint Meeting with the Finance Committee**

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## **9. Review of Weekly Warrants**

### **10. Town Administrator's Reports**

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

### **11. Selectmen's Reports**

### **12. Executive Session (if needed)**

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#### **A. Collective Bargaining**

#### **B. Non Union Bargaining**

### **13. Adjournment**

## **Future Meetings**

**Monday, July 30, 2012 at 6:00 PM at the Town Offices**

**Monday, August 13, 2012 at 6:00 PM at the Town Offices**

**Monday, August 27, 2012 at 6:00 PM at the Town Offices**

# Board of Selectmen Correspondence - Week of July 6, 2012

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